

**Amendments to the Drawings:**

The attached sheets of drawings include changes to Figures 4, 5 and 6A-6G. As described in detail below, the Applicants have amended the above-referenced Figures to include the designation "Prior Art." These sheets, which include Figures 4, 5 and 6A-6G, replace the original sheets including Figures 4, 5 and 6A-6G.

Attachment: Replacement Sheet

**REMARKS**

The Official Action mailed August 9, 2005, has been received and its contents carefully noted. This response is filed within three months of the mailing date of the Official Action and therefore is believed to be timely without extension of time. Accordingly, the Applicants respectfully submit that this response is being timely filed.

The Applicants note with appreciation the consideration of the Information Disclosure Statement filed on May 15, 2001. The Applicants note the *partial* consideration of the Information Disclosure Statement filed on January 13, 2005 (received by OIPE on January 14, 2005). Specifically, the Examiner has crossed through the citation of JP 07-254861. In the Official Action, the Examiner states that JP '861 was "already listed in the IDS submitted on May 15, 2001" (page 2, Paper No. 08052005). Although it is true that JP '861 was listed in the IDS filed May 15, 2001, and in the IDS filed January 13, 2005, it is noted that JP '861 was filed on May 15, 2001 without a full translation, and that a full translation of JP '861 was filed on January 13, 2005 (as indicated by "Full" in column T<sup>6</sup>). As such, the record is not clear as to whether the Examiner has considered the full translation of JP '861. Therefore, the Applicants respectfully request that the Examiner indicate the consideration of the full translation of JP '861 in a subsequent Official Action.

Claims 9-14 were pending in the present application prior to the above amendment. The Applicants note with appreciation the allowance of claims 11 and 12 (page 6, Paper No. 08052005). Allowable claims 11 and 12 have been rewritten in independent form including all of the limitations of the base claim and any intervening claims. Also, claim 9 has been canceled, claims 10 and 13 have been amended to depend from claim 11, independent claim 14 has been amended to include the allowable subject matter of claim 11, and new dependent claims 15 and 16 have been added to recite additional protection to which the Applicants are entitled. Accordingly, claims 10-16 are now pending in the present application, of which claims 11, 12 and 14

are independent. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

Paragraph 2 of the Official Action objects to Figures 4-6 as lacking a designation such as "Prior Art." As required by the Official Action, the Applicants have amended Figures 4, 5 and 6A-6G to include the designation "Prior Art," as shown in the attached replacement sheets. Reconsideration is requested.

Paragraph 3 of the Official Action objects to the drawings under 37 CFR § 1.84(p)(5) apparently asserting that reference characters mentioned in the description do not appear in Figures 2A-2C, 3A-3H, 6A-6G and 7A-7D. However, the Official Action has not identified specific examples of reference characters from the specification that are missing from the Figures. The Applicants note that Figures 2A-2C and 3A-3H are described in the specification at pages 10-16 and that Figures 6A-6G and 7A-7D are described in the specification at pages 5-7. If there are any particular references that are of concern to the Examiner, the Applicants respectfully request the Examiner's assistance in identifying these reference characters in a subsequent Official Action. Otherwise, reconsideration is requested.

Paragraph 4 of the Official Action objects to the specification asserting that "'C/N' is undefined" (page 3, Paper No. 08052005). In response, the specification has been amended to clarify the meaning of "C/N" as a "ratio of carrier level to noise level." Reconsideration is requested.

Paragraph 4 of the Official Action further objects to the *Brief Description of the Drawings* on page 8, lines 10-23, asserting that it does "not correspond to all the drawings discussed in the specification" (Id.). However, it appears the Examiner may have inadvertently overlooked the *Preliminary Amendment* filed May 15, 2001, which corrects minor typographical informalities the *Brief Description of the Drawings*. Reconsideration is requested.

Paragraph 5 of the Official Action objects to claims 12 and 14 for informalities. In response, claims 12 and 14 have been amended in accordance with the Examiner's

suggestions. The amendments are merely clarifying in nature, and should not in any way affect the scope of protection afforded the claims for infringement purposes, particularly under the Doctrine of Equivalents.

Paragraph 7 of the Official Action rejects claims 9-14 under 35 U.S.C. § 112, second paragraph. Regarding claims 9 and 14, the Official Action asserts that "the phrase 'and/or' is indefinite because it is unclear both 'before and after', or just 'before or after'" (page 4, *Id.*). The Applicants respectfully submit that "and/or" is not indefinite. MPEP § 2173.05(h), Part II, states that "Alternative expressions using 'or' are acceptable." As amended, claims 11 and 12 recite "pseudo-data inserting means for inserting pseudo-data for decoding a transmission and multiplexing configuration control (TMCC) signal before and/or after said TMCC signal." Claim 14 recites a similar step. The Applicants respectfully submit that one of ordinary skill in the art, particularly upon review of the present specification, would understand that the above-referenced phrase clearly means that pseudo-data inserting means for inserting pseudo-data for decoding a transmission and multiplexing configuration control (TMCC) signal either before, before and after, or after said TMCC signal. Therefore, the Applicants respectfully submit that claims 11, 12 and 14 are definite.

Regarding claim 13, the Official Action asserts that "it is unclear how is the accumulator related to the serial/parallel converter and the selector" (page 4). The Applicants respectfully disagree and traverse the above-referenced assertion in the Official Action. Claims 13 and 15 recite "an accumulator to which said output data of said serial/parallel converter are written at a half of a transmission rate and from which the written data are read out at the same rate as said transmission rate to be outputted to said selector." The Applicants respectfully submit that one of ordinary skill in the art, particularly upon review of the present specification, would understand that the above-referenced phrase means that output data from a serial/parallel converter are written to an accumulator. Therefore, the Applicants respectfully submit that claims 13 and 15 are definite.

Regarding claim 14, the Official Action asserts that “it is unclear what step is ‘a demodulation step’” that “the phrase ‘selecting output data of said serial/parallel converting step and said pseudo-data outputted from said pseudo-data generating step’ is vague and indefinite because the serial/parallel converting step and the pseudo-data generating step do not include output data and pseudo-data, respectively” (Id.). The Applicants respectfully disagree and traverse the above-referenced assertions in the Official Action. A “demodulation step” is positively recited in line 6. That is, the recitation of “a demodulation step” is the extent of the recitation of a demodulation step. The Applicants respectfully submit that no further recitation is necessary to clearly define this feature of the claim. Also, despite the Examiner’s assertion, the serial/parallel converting step and the pseudo-data generating step include output data and pseudo-data, respectively, because that is exactly what the claim recites. That is, “output data” is positively recited in line 7 with respect to “said serial/parallel converting step,” and “pseudo-data” is positively recited in line 3 with respect to “said pseudo-data generating step.” Therefore, the Applicants respectfully submit that claim 14 is definite.


Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 112 are in order and respectfully requested.

Paragraph 10 of the Official Action rejects claims 9-10 and 14 as obvious based on the combination of Figure 4 of the instant application and U.S. Patent No. 6,147,826 to Hashimura.

In response, as noted above, allowable claims 11 and 12 have been rewritten in independent form including all of the limitations of the base claim and any intervening claims. Specifically, claim 9 have been canceled, claims 10 and 13 have been amended to depend from claim 11, independent claim 14 has been amended to include the allowable subject matter of claim 11, and new claims 15 and 16, each of which depend from claim 12, have been added to recite additional protection to which the Applicants are entitled. Therefore, claims 10-16 recite allowable subject matter and are believed to be in condition for allowance.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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Eric J. Robinson  
Reg. No. 38,285

Robinson Intellectual Property Law Office, P.C.  
PMB 955  
21010 Southbank Street  
Potomac Falls, Virginia 20165  
(571) 434-6789